

**Exhibit R**

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1477-21  
PUSH  
CONFIRMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

MAY 21 2010

John A. Clarke, Executive Officer/Clerk

By Lanelle M. Galindo, Deputy

1 Tyneia Merritt, Esq., (SBN 235750)  
2 MERRITT LAW, INC.  
3 8300 Utica Avenue, Suite 193  
4 Rancho Cucamonga, CA 91730  
5 Telephone: (909) 476-0651  
6 Facsimile: (909) 476-7029  
7 Email: tye@themerrittfirm.com

8 Attorney for Plaintiff, US BANK

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
SOUTHWEST DISTRICT - TORRANCE COURTHOUSE

US BANK NA, AS TRUSTEE OF GPMFT  
2007-AR1

Plaintiff,

vs.

WAYNE ARNOLD,  
ALVIN LA BOSTRIE, SR.  
and DOES 1-100, Inclusive

Defendants

Case No.: SB10700668

COMPLAINT FOR UNLAWFUL  
DETAINER

LIMITED CIVIL JURISDICTION

POST-FORECLOSURE EVICTION

AMOUNT DEMANDED DOES NOT  
EXCEED \$10,000

Property Address: 1414 W. 132ND STREET,  
GARDENA, CA 90249, APN 6102-009-012

Plaintiff, US BANK NA, AS TRUSTEE OF GPMFT 2007-AR1 ("US BANK") alleges as  
follows:

1. Plaintiff is entitled to possession of, and is the owner of record of a parcel of real property located at 1414 W. 132ND STREET, GARDENA, CA 90249, APN 6102-009-012 (the "Premises"). Said Premises is located within the above-referenced Judicial District and County.
2. Defendant(s) at all times herein mentioned resided in the State of California, County of LOS ANGELES.

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1 3. The true names and capacities, whether individual, corporate, associate or otherwise, of  
2 Defendant(s) named herein as Does 1-100, inclusive, and each of them, are unknown to  
3 Plaintiff and therefore, plaintiff sues these Defendant(s) under California Code of Civil  
4 Procedure 474, and prays leave to amend this Complaint to insert their true names and  
5 capacities when ascertained. These defendants will be served pursuant to Code of Civil  
6 Procedure §415.46.

7  
8 4. Possession of the Premises is sought pursuant to Code of Civil Procedure § 1161a.  
9 Plaintiff US BANK obtained title to the Premises and right to possession by its purchase  
10 at a foreclosure sale validly held in compliance with *Civil Code* §2924. The particulars  
11 are as follows:  
12

13 a. Defendant(s), WAYNE ARNOLD, executed as Trustor(s) a Deed of Trust, with  
14 power of sale, recorded on or about December 27, 2006 in the Official Records of  
15 LOS ANGELES County, California as Instrument Number 062870127, which  
16 Deed of Trust encumbered the Premises.  
17

18 b. Pursuant to the foreclosure and sale of the Premises, under the power of sale  
19 contained in the Deed of Trust and in compliance with *Civil Code* §2924, Plaintiff  
20 purchased the Premises at a Trustee's Sale held on or about January 13, 2010.  
21

22 5. The title of the Premises pursuant to the Trustee's Sale has been duly perfected in  
23 Plaintiff's name. A copy of the Trustee's Deed Upon Sale is attached as Exhibit "A."

24 6. Plaintiff is informed, believes, and thereon alleges that Defendant(s) WAYNE ARNOLD,  
25 ALVIN LA BOSTRIE, SR. and each of them are and remain in possession of the  
26 Premises.  
27  
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- 1 7. On or about February 3, 2010, Plaintiff caused to be served on Defendant(s) and Does 1  
2 through 100 a written NOTICE TO QUIT and NOTICE TO VACATE (90 days)  
3 (hereinafter referred to as "Notices") pursuant to *Code of Civil Procedure* §1162.  
4
- 5 8. Copies of the Notices are attached hereto respectively as Exhibits "B" and Exhibit "C"  
6 and incorporated by reference.
- 7 9. A copy of the Proof of Service of the Notices is attached hereto as Exhibit "D" and  
8 incorporated by reference.
- 9 10. The NOTICE TO QUIT AND NOTICE TO VACATE expired at midnight on May 3,  
10 2010, and since May 4, 2010, Plaintiff is and has been entitled to immediate possession of  
11 the Premises.  
12
- 13 11. Defendant(s) and each of them have failed and refused to surrender possession within or  
14 since the NOTICE TO QUIT AND NOTICE TO VACATE period, and continue in  
15 possession of the Premises without Plaintiff's consent.  
16
- 17 12. Plaintiff demands possession of the Premises.
- 18 13. No landlord-tenant relationship exists between Plaintiff and the defendants. Defendants  
19 are either the former owners of the Premises who defaulted under the above referenced  
20 Deed of Trust or persons claiming a possessory interest in the Premises which arose or  
21 was created during ownership of the Premises by the former owners who defaulted under  
22 the Deed of Trust referenced above.  
23
- 24 14. Plaintiff is informed, believes, and thereon alleges that the reasonable value of the  
25 Premises is \$60.00 per day, and that damages to the Plaintiff proximately caused by  
26 Defendant(s)' unlawful detention of the Premises have accrued since May 4, 2010 and  
27  
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1 will continue to accrue at that rate so long as Defendant(s) remain in possession of the  
2 Premises.

3  
4 15. Plaintiff hereby requests that this court take judicial notice of a certified copy of the  
5 Trustee's Deed Upon at the time of trial.

6 WHEREFORE, Plaintiff requests judgment as follows:

- 7 1. For possession of the Premises;  
8  
9 2. For damages for the unlawful detention of the Premises at the rate of \$60.00 per day from  
10 May 4, 2010 until entry of judgment.  
11 3. For costs of suit.  
12 4. For such other and further relief as the Court deems appropriate.

13 Dated: May 5, 2010

MERRITT LAW, INC.

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17 TYNEIA MERRITT, ESQ.  
18 Attorney for Plaintiff,  
19 US BANK  
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VERIFICATION

State of California, County of San Bernardino

I, TYNEIA MERRITT, declare:

I am an attorney duly licensed to practice before this Court. I am one of the attorneys for, plaintiff, US BANK NA, AS TRUSTEE OF GPMFT 2007-AR1 in this action.

Such party is absent from the County where I maintain my office, or the Plaintiff is otherwise unable to verify this pleading, and I make this verification for and on behalf of that party for that reason. I have read the foregoing Complaint for Unlawful Detainer and know its contents. I am informed and believe and on that ground allege that matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 5, 2010 at Rancho Cucamonga, California.

  
TYNEIA MERRITT, ESQ.

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RECORDING REQUESTED BY:  
Executive Trustee Services, LLC

AND WHEN RECORDED MAIL TO:  
GMAC MORTGAGE, LLC FKA  
GMAC MORTGAGE CORPORATION  
1100 VIRGINIA DRIVE  
FORT WASHINGTON, PA 19034

Forward Tax Statements to  
the address given above

THIS IS TO CERTIFY THAT THIS IS A FULL,  
TRUE AND CORRECT COPY OF THE ORIGINAL  
RECORDED IN THE OFFICE OF THE COUNTY

RECORDING FEE: \$12.00

RECORDED ON: January 22, 2010

AS DOCUMENT NO: 10-0094092

BY: s/ Karen Mocerino

LSI TITLE COMPANY (CA)

SPACE ABOVE LINE FOR RECORDER'S USE

TS # GM-166021-C

LOAN # 2947

INVESTOR #: 0000000000000

TITLE ORDER # 020016593-CA-GSI

## TRUSTEE'S DEED UPON SALE

APN 6102-009-012

TRANSFER TAX: \$00.00

"THIS TRANSACTION IS EXEMPT FROM THE REQUIREMENTS OF THE REVENUE AND TAXATION CODE, SECTION 480.3"

The Grantee Herein Was The Foreclosing Beneficiary.

The Amount Of The Unpaid Debt was \$895,279.35

The Amount Paid By The Grantee Was \$517,500.00

Said Property Is In The City Of GARDENA, County of Los Angeles

Executive Trustee Services, LLC dba ETS Services, LLC, as Trustee, (whereas so designated in the Deed of Trust hereunder

more particularly described or as duly appointed Trustee); does hereby GRANT and CONVEY to

**US Bank NA, as trustee of GPMFT 2007-AR1**

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of Los Angeles, State of California, described as follows:

THE EASTERLY 56 FEET OF LOT 3 IN BLOCK NO. 3 PANAMA ACRES TRACT, IN THE CITY OF GARDENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGES 138 AND 139 OF MAPS, IN THE OFFICE OF THE COUNTY.

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by WAYNE ARNOLD, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY as Trustor, dated 12/14/2006 of the Official Records in the office of the Recorder of Los Angeles, California under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed Trustee, default having occurred under the Deed of Trust pursuant to the Notice of Default and Election to Sell under the Deed of Trust recorded on 12/27/2006, instrument number 06 2870127 (or Book, Page )

of Official records. Trustee having complied with all applicable statutory requirements of the State of California and performed all duties required by the Deed of Trust including sending a Notice of Default and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code 2924b.

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"This instrument is being recorded as an  
ACCOMMODATION ONLY, with no  
Representation as to its effect upon title"

# EXHIBIT A

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## NOTICE TO QUIT

TO: WAYNE ARNOLD, and ALL OCCUPANTS IN POSSESSION RESIDING AT 1414 W.  
132ND STREET, GARDENA, CA 90249

**NOTICE IS HEREBY GIVEN** that the property located at 1414 W. 132ND STREET, GARDENA, CA 90249, APN 6102-009-012 ("the Property") was purchased at a non-judicial foreclosure sale. Pursuant to the Trustee's Deed Upon Sale, the foreclosure sale was held in accordance with California Civil Code section 2924 and the power of sale contained in a Deed of Trust recorded in the Official Records of LOS ANGELES County, California. Title under the sale has been duly perfected.

**NOTICE IS FURTHER GIVEN** that you are required to quit and surrender possession of the Property now held and occupied by you to the undersigned, attorney for GMAC Mortgage, LLC, the owner of the Property and/or in its capacity as mortgage loan servicer or managing agent on behalf of the title holder of record within the notice period specified below:

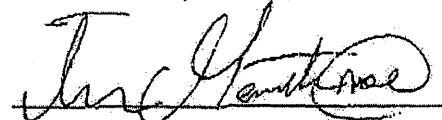
**WITHIN THREE (3) DAYS** after service on you of this Notice, because you are the former owner(s), successor in interest to the former owner(s), or a family member of the former owner(s) occupying the Property.

If you do not vacate the Property by the end of 3 days after service on you of this Notice, the undersigned on behalf of GMAC Mortgage, LLC, the owner of the Property and/or in its capacity as mortgage loan servicer or managing agent on behalf of the title holder of record, will initiate eviction proceedings in the form of an unlawful detainer action demanding immediate possession, court costs, and any and all damages to which the owner is entitled by State and local law.

This Notice is given pursuant to provisions of California *Code of Civil Procedure* ("CCP") sections 1161, 1161a(b)(3), 1161b and the Protecting Tenant's at Foreclosure Act of 2009.

The undersigned, Tyneia Merritt, Esq., of Merritt Law, Inc., as attorney for GMAC Mortgage, LLC, the owner of the Property and/or in its capacity as mortgage loan servicer or managing agent on behalf of the title holder of record can be reached at 8300 Utica Avenue, Suite 193, Rancho Cucamonga, CA 91730; telephone: 909-476-0651 on all business days between 9:00 a.m. and 5:00 p.m. This Notice to Quit supersedes all previous Notice to Quit, if any.

Dated: February 3, 2010

  
TYNEIA MERRITT, ESQ.  
Attorney at Law

# EXHIBIT B



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## **NOTICE TO VACATE (90 DAYS)**

TO: ALVIN LA BOSTRIE, SR., ALL OCCUPANTS IN POSSESSION RESIDING AT 1414 W. 132ND STREET, GARDENA, CA 90249

**YOU ARE HEREBY NOTIFIED** that you are required to vacate the Property located at 1414 W. 132ND STREET, GARDENA, CA 90249, APN 6102-009-012 ("the Property") within 90 days of receipt of this Notice to the undersigned. The Property was purchased at a non-judicial foreclosure sale pursuant to the Trustee's Deed Upon Sale and the power of sale contained in a Deed of Trust recorded in the Official Records of LOS ANGELES County, California.

You are receiving this Notice on behalf of GMAC Mortgage, LLC, the owner of the Property and/or in its capacity as mortgage loan servicer or managing agent on behalf of the title holder of record of the Property (hereinafter referred to as "Owner of the Property") because you are: (i) occupying the Property before the Notice of Foreclosure was recorded without a "bona fide" lease (as that term is defined in the Protecting Tenants at Foreclosure Act of 2009); or (ii) your current lease term is expiring and your lease will not be renewed for an additional term.

### **NOTICE IS FURTHER GIVEN:**

- (1) That you are required to vacate and surrender possession of the Property now held and occupied by you to the undersigned, as attorney for the Owner of the Property, within 90 days of receipt of this Notice; and
- (2) That the Owner of the Property is terminating your lease as allowed under the lease and/or by State and local law.

If you do not vacate the Property by the end of 90 days after receiving this notice, the Owner of the Property will initiate eviction proceedings in the form of an unlawful detainer action demanding immediate possession, court costs, and any and all damages to which the owner is entitled by State and local law.

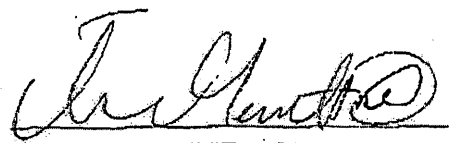
This Notice is given pursuant to the provisions of California Code of Civil Procedure §§ 1161, 1161a, and 1161b, California Civil Code §1954.535, and the Protecting Tenant's at Foreclosure Act of 2009 - Sections 702 and 703.

The undersigned, Tyneia Merritt, Esq. of Merritt Law Inc., as Attorney for the Owner of the Property, can be reached at 8300 Utica Avenue, Suite 193, Rancho Cucamonga, CA 91730; Telephone: 909-476-0651 on all business days between 9:00 a.m. to 5:00 p.m. This Notice to Vacate supersedes all previous Notice to Vacate, if any.

NOTE: IF YOU ARE THE FORMER OWNER(S) OF THIS PROPERTY, THIS 90 DAY NOTICE TO VACATE DOES NOT APPLY TO YOU.

Dated: February 3, 2010

**EXHIBIT C**

  
TYNEIA MERRITT, ESQ.  
Attorney for Owner of the Property

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POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Tyneta Merrill, Esq. SBN 235750 Merritt Law Firm 8300 Ulica Ave., Ste. 193 Rancho Cucamonga, CA 91730 TELEPHONE NO: (909) 476-0651 FAX NO: (909) 476-7029 E-MAIL ADDRESS: tye@themerrittfirm.com ATTORNEY FOR:		FOR COURT USE ONLY
STATE OF CALIFORNIA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: GMAC DEFENDANT/RESPONDENT: Arnold		Case Number:
PROOF OF SERVICE		Ref. No. or File No.: GMAC v. Arnold

(Separate proof of service is required for each party served.)

At the time of service I was at least 18 years of age and not a party to this action. I served copies of the:

NOTICE TO VACATE (90 DAYS); TENANT INFORMATION FORM

Party served: ALL OCCUPANTS IN POSSESSION  
Person served: POSTED

Date of posting: FEBRUARY 03, 2010  
Time of posting: 7:10 PM

Date of mailing: 2/3/2010  
Place of mailing: RIVERSIDE, CA 925021568

Address served: 1414 W. 132ND ST., GARDENA, CA 90249, (HOME)

Manner of service:

By POSTING in a conspicuous place on the property therein described, having been unable to personally serve or to find a person of suitable age or discretion to be found at any known place of residence or business of said tenants; and mailing a copy by first class mail, postage pre-paid, and depositing said copies in the United States mail, in a sealed envelope, addressed as stated above.  
[CCP §1162(3)]

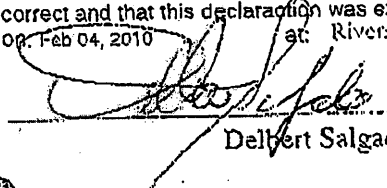
Fee for service:

Record # 10-062218  
Invoice #

Registered California process server.  
County: Orange  
Registration No: PSC1940  
Expiration Date: May 02, 2010  
Delbert Salgado - Sano Attorney Service

P.O. Box 1568, Riverside, CA 92502

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed  
on Feb 04, 2010 at Riverside, CA 92502-1568

  
Delbert Salgado

**EXHIBIT D**